

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
Plaintiff,)
vs.) Case No.
UBER TECHNOLOGIES, INC.;) 17-cv-00939-WHA
OTTOMOTTO, LLC; OTTO TRUCKING LLC,)
Defendants.)
_____)

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VIDEOTAPED DEPOSITION OF ANGELA L. PADILLA, ESQ.

San Francisco, California

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Reported by:

MARY J. GOFF

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1 MR. GONZALEZ: No. That's okay. You know 10:45:25

2 where I'm going. 10:45:26

3 A Or to put it another way, everything I 10:45:26

4 know on that is privileged. 10:45:28

5 Q (BY MR. PERLSON) Everything you know on 10:45:30

6 that subject -- 10:45:31

7 A Yes. 10:45:32

8 Q -- is privileged? Have you personally 10:45:32

9 asked Mr. Levandowski whether he took any Google or 10:46:08

10 Waymo material with him to Uber? 10:46:15

11 MR. GONZALEZ: And here I would caution 10:46:21

12 you on the attorney/client privilege. 10:46:23

13 A Discussions I had with Anthony on that 10:46:27

14 topic are privileged. 10:46:30

15 Q (BY MR. PERLSON) Did Mr. Levandowski ever 10:46:37

16 refuse to answer any questions by you as to whether 10:46:41

17 he had taken Waymo confidential information and -- 10:46:47

18 MR. GONZALEZ: Objection -- 10:46:56

19 Q (BY MR. PERLSON) -- used it at Uber? 10:46:56

20 MR. GONZALEZ: -- I would instruct you not 10:46:57

21 to answer that unless they were nonprivileged 10:46:58

22 conversations. 10:47:03

23 A All discussions on that topic were 10:47:04

24 privileged. 10:47:06

25 Q (BY MR. PERLSON) Okay. Were there any 10:47:06

1 questions that you asked Mr. Levandowski to answer 10:47:18
2 in relation to this litigation that he refused to 10:47:27
3 answer? 10:47:31
4 MR. GONZALEZ: I'm going to instruct you 10:47:32
5 not to answer that question. 10:47:33
6 Q (BY MR. PERLSON) Has Mr. Levandowski 10:47:49
7 provided any information to you that was used in 10:47:55
8 connection with Uber's defense of this case? 10:48:03
9 MR. GONZALEZ: Same instruction. 10:48:10
10 A That would be privileged. 10:48:13
11 Q (BY MR. PERLSON) Has Mr. Levandowski ever 10:48:25
12 cooperated in providing information to you that was 10:48:26
13 used in connection with Uber's defense of this case? 10:48:32
14 MR. GONZALEZ: Same instruction. Your 10:48:39
15 communications with them and mental impressions are 10:48:40
16 privileged. 10:48:43
17 MR. PERLSON: And so I can't -- so I -- 10:48:50
18 just -- just for the record, any questions that I 10:48:51
19 ask regarding conversations with Mr. Levandowski 10:48:54
20 regarding this case, I'm going to get an 10:49:01
21 instruction? 10:49:03
22 MR. GONZALEZ: Pretty much. Pretty much. 10:49:04
23 I mean, I can't think of -- I -- if -- if there's 10:49:06
24 some instruction -- if there's some conversation 10:49:09
25 that I'm not aware of that's not privileged, but 10:49:11

1 I -- I doubt it -- 10:49:15

2 MR. PERLSON: Okay. 10:49:16

3 MR. GONZALEZ: -- either by a joint 10:49:16

4 interest, by work-product, by attorney/client, or 10:49:17

5 all of the above. 10:49:18

6 Q (BY MR. PERLSON) Are you aware of any 10:49:21

7 conversations that you have had with Mr. Levandowski 10:49:22

8 that are not privileged? 10:49:26

9 A Not generally. But I do know that there 10:49:36

10 was that one night when we talked about the bonus. 10:49:43

11 Q Separate and apart from -- from that 10:49:50

12 discussion, are you -- can you, sitting here today, 10:49:52

13 think of any discussions with Mr. Levandowski that 10:49:55

14 you -- you had with him that were not privileged? 10:50:00

15 A No, I really can't. 10:50:02

16 Q Are you aware that Mr. Levandowski 10:50:21

17 provided search terms to assist Uber in looking for 10:50:21

18 documents in responding to paragraph 4 of the 10:50:30

19 March 16th order? 10:50:39

20 MR. GONZALEZ: And I don't recall frankly 10:50:43

21 whether that's in the public filing. But if you 10:50:44

22 know that information from a nonprivileged source, 10:50:47

23 you can answer. 10:50:51

24 A I -- truly, everything about complying 10:50:52

25 with this order, Exhibit 8104, truly, it would all 10:50:56

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1 be privileged, everything I know. 10:51:01

2 Q (BY MR. PERLSON) So if you didn't -- if 10:51:08

3 you did know that, you would consider that to be 10:51:09

4 privileged? 10:51:12

5 A I would. 10:51:13

6 (Exhibit 8105 was marked for 10:52:38

7 identification and is attached to the transcript.) 10:52:38

8 A Thank you. 10:52:41

9 MR. PERLSON: What number? 10:52:41

10 THE COURT REPORTER: 8105. 10:52:49

11 Q (BY MR. PERLSON) You have been handed 10:52:51

12 what's been marked as Exhibit 8105, UBER65191. 10:52:53

13 A A two-sided -- 10:53:06

14 Q Yeah. 10:53:08

15 A -- the same document? 10:53:08

16 Q Just ignore the second -- 10:53:09

17 A Okay. 10:53:12

18 Q -- side. I don't know why that's there. 10:53:12

19 The -- do you see that this is a -- a calendar 10:53:20

20 invite for a meeting on Feb -- March 3, 2017, that 10:53:23

21 you were invited to. 10:53:33

22 Do you see that? 10:53:34

23 A I see this. 10:53:35

24 Q Okay. And it looks like the subject 10:53:36

25 matter was "Judge Alsup's order, 10 questions." 10:53:37

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1 Do you see that? 10:53:40

2 A I do. 10:53:40

3 Q Okay. Did you participate in this call? 10:53:41

4 A I likely did. But sitting here right now, 10:53:46

5 I can't -- I don't remember it clearly. 10:53:51

6 Q Okay. And you see a -- to the left of 10:53:54

7 your name, there's "robot@Uber.com"? 10:53:58

8 A I see that. 10:54:03

9 Q Is that Mr. Levandowski? 10:54:04

10 A Yeah, that should be. 10:54:06

11 Q Okay. And were there any questions that 10:54:11

12 were asked of Mr. Levandowski on this call that he 10:54:20

13 refused to provide answers to? 10:54:25

14 MR. GONZALEZ: I'm going to instruct you 10:54:28

15 not to answer any questions about the content of 10:54:28

16 this telephone call, which is privileged. 10:54:29

17 Q (BY MR. PERLSON) Which you'll follow? 10:54:32

18 A Yes. 10:54:34

19 Q And did Mr. Levandowski cooperate with 10:54:34

20 Uber in addressing Judge Alsup's order on this call? 10:54:40

21 MR. GONZALEZ: Same instruction. 10:54:48

22 Q (BY MR. PERLSON) And has Mr. Levandowski 10:54:48

23 provided information to Uber regarding the nature of 10:55:16

24 the technology that Waymo contends is 10:55:20

25 misappropriated in this case? 10:55:23

1 MR. GONZALEZ: Same instruction. If you 10:55:26
2 have nonprivileged information, you can share that. 10:55:27
3 A Has Mr. Levandowski provided technology? 10:55:32
4 No. Could you say it again? 10:55:35
5 Q (BY MR. PERLSON) Sure. Has 10:55:37
6 Mr. Levandowski provided information to Uber 10:55:38
7 regarding the nature of the technology that Waymo 10:55:40
8 contends is misappropriated in this case? 10:55:45
9 A So the only way I would have that would be 10:55:47
10 through privileged conversations. 10:55:50
11 Q Has Mr. Levandowski provided Uber with 10:55:57
12 information that it has used to identify relevant 10:56:02
13 witnesses in this case? 10:56:09
14 MR. GONZALEZ: I instruct you not to 10:56:11
15 answer that question. Privilege, work-product. 10:56:12
16 Q (BY MR. PERLSON) Has Mr. Levandowski 10:56:16
17 provided Uber with information that it has used in 10:56:18
18 connection with depositions that it has taken in 10:56:30
19 this case? 10:56:34
20 MR. GONZALEZ: Same instruction. Unless 10:56:35
21 you have nonprivileged information, I would instruct 10:56:36
22 you not to answer. 10:56:39
23 Q (BY MR. PERLSON) What materials has 10:56:41
24 Mr. Levandowski refused to provide to Uber that Uber 10:56:44
25 asked him to provide in connection with this 10:56:51

1 litigation? 10:56:54

2 MR. GONZALEZ: So I'll -- I'll let you 10:56:57

3 answer the part of that question that involves his 10:56:59

4 computers, because I believe a document has been 10:57:01

5 produced on that point. 10:57:05

6 A So he did not cooperate in providing all 10:57:14

7 of the devices that he had at the time that we were 10:57:21

8 in this litigation. And I sent him a letter -- 10:57:28

9 well, really an e-mail -- an e-mail letter about 10:57:34

10 that. 10:57:37

11 (Exhibit 8106 was marked for 10:57:42

12 identification and is attached to the transcript.) 10:57:42

13 MR. GONZALEZ: Thank you. 10:58:33

14 Q (BY MR. PERLSON) You have been handed 10:58:43

15 what's been marked as Exhibit 8106, UBER324612. 10:58:44

16 Do you recognize this e-mail? 10:58:52

17 A I do. 10:58:55

18 Q Is this the e-mail that you were just 10:58:56

19 referring to in your testimony? 10:58:58

20 A It is. 10:59:01

21 Q Okay. So in the first sentence, it says, 10:59:01

22 I understand that there are two laptops in your 10:59:07

23 possession that you have used for Uber work that 10:59:10

24 have not yet been provided to us for inspection in 10:59:14

25 the Waymo litigation. 10:59:18

1 Do you see that? 10:59:20

2 A Um-hum. 10:59:21

3 Q Yes? 10:59:22

4 A Yes. 10:59:22

5 Q Okay. And what -- what -- do you know 10:59:22

6 what those computers were? 10:59:28

7 A I don't remember the specifics right now. 10:59:33

8 I remember just a dispute about whether they were 10:59:43

9 company computers or personal computers and whether 10:59:49

10 they were used for Uber work or not. 10:59:51

11 Q Okay. And who -- that was a dispute 10:59:56

12 between Anthony -- or Mr. Levandowski and Uber? 11:00:03

13 A Yes. 11:00:05

14 Q Okay. Were -- was that dispute something 11:00:05

15 that was discussed orally or were there other 11:00:13

16 e-mails concerning that dispute? Do you know? 11:00:19

17 A I think it was all oral. 11:00:21

18 Q And when did -- obviously, I assume that 11:00:25

19 they -- when did those discussions occur? 11:00:28

20 A Probably right around the time of this 11:00:34

21 e-mail, which is April 20. Maybe a little before 11:00:37

22 and probably a little after as well. I -- I think 11:00:44

23 it was an ongoing struggle. 11:00:47

24 Q And who -- who was involved in those 11:00:50

25 conversations? 11:00:59

1 A Let's see. Myself; Anthony; his lawyers, 11:01:01
2 Miles and Izzy -- Miles or Izzy and/or meaning these 11:01:11
3 people in various combinations in various 11:01:21
4 conversations. It wasn't a static one-time event. 11:01:25
5 Travis; Neal Chatterjee, once he came on 11:01:33
6 board. Gosh, I'm trying to think. Possibly Salle. 11:01:42
7 Possibly Salle. Possibly Walter and Melinda over at 11:01:58
8 Orrick. No. No. No, not them. I'm sorry. I'm 11:02:03
9 thinking of something else. I'm thinking of Travis. 11:02:06
10 No, not them. Just possibly Salle, yeah. 11:02:09
11 Q Please tell me what you remember regarding 11:02:16
12 the substance of those communications. 11:02:19
13 A I don't remember details, but the -- 11:02:25
14 MR. GONZALEZ: I'm sorry. Can I interrupt 11:02:27
15 just to make this clear? To the extent you had 11:02:28
16 conversations with attorneys for Mr. Levandowski, 11:02:31
17 I'm going to let you answer that. 11:02:33
18 But if you had private conversations with 11:02:35
19 your client, Salle, Travis, or anybody else, that 11:02:37
20 would be privileged. So I want to make sure you 11:02:41
21 draw that distinction in your head as you answer 11:02:43
22 that question. 11:02:46
23 A Okay. So if I limit it to conversations 11:02:47
24 that I had with Anthony's lawyers, because all the 11:02:51
25 other conversations would have been with Salle or 11:02:56

1 Travis or Anthony, or -- or with Neal Chatterjee. 11:02:58

2 Was it Neal? I -- I don't know. It could -- 11:03:04

3 Q (BY MR. PERLSON) That's his name. 11:03:07

4 A -- be mistaken. I know -- I mean, I know 11:03:07

5 Neal really well. I just -- I can't remember if -- 11:03:08

6 I might be mistaken about Neal. But anyway, I feel 11:03:10

7 like I had some conversation with Neal. 11:03:17

8 But what I recall about the conversations 11:03:19

9 with Miles and Izzy and probably with Neal is my 11:03:21

10 insistence that Anthony turn over every device to 11:03:27

11 Uber for us to search and comply with the court's 11:03:33

12 order, period, end of story, and there was to be no 11:03:37

13 debate about this. 11:03:46

14 Q And so how many conversations do you think 11:03:56

15 you had with yourself on that -- that -- on the 11:03:58

16 subject that Mr. Levandowski's lawyers would have 11:04:06

17 been involved in? 11:04:10

18 A Several. Maybe as many as five. 11:04:12

19 Q Okay. And that would have been at or 11:04:16

20 around this April 20 -- 11:04:19

21 A I can't -- 11:04:21

22 Q -- time frame? 11:04:21

23 A -- I can't put it exactly in time. There 11:04:22

24 was, as you know, a lot going on. But within a 11:04:23

25 couple of weeks of this time period, yeah, I would 11:04:31

1 say so. 11:04:34

2 Q Did you have any conversations with 11:04:57

3 Mr. Levandowski regarding obtaining his devices that 11:04:59

4 did not include his counsel? 11:05:08

5 A I might have. 11:05:12

6 Q Okay. When would that have been? 11:05:14

7 A Same time period. 11:05:19

8 Q Okay. Can you identify -- let me know the 11:05:20

9 substance of -- of that communication? 11:05:26

10 MR. GONZALEZ: So -- so hold on. Would 11:05:29

11 you agree that we're not waiving privilege by 11:05:31

12 allowing her to answer that question? 11:05:33

13 MR. PERLSON: Nope. 11:05:34

14 MR. GONZALEZ: Okay. Then I'm going to 11:05:35

15 have to instruct you not to answer. 11:05:37

16 A Okay. 11:05:38

17 Q (BY MR. PERLSON) Did you ever have any 11:05:50

18 instructions with Mr. -- start over again. 11:05:51

19 Did you ever have any conversations with 11:05:55

20 Mr. Levandowski in which he did agree to produce at 11:05:57

21 least some of his devices? 11:06:02

22 A Yes. 11:06:07

23 Q Okay. When was that? 11:06:09

24 A The same time frame. I -- I don't 11:06:13

25 clearly -- really, I don't clearly remember it, 11:06:16

1 because there were hundreds of things happening at 11:06:19
2 this time. I'm -- I was also running the [REDACTED] 11:06:22
3 [REDACTED] and just everything was going on. 11:06:25
4 So I don't know if that was, like, right 11:06:32
5 after the lawsuit was filed, two weeks after the 11:06:34
6 lawsuit was filed, or -- and now we're in April. 11:06:36
7 But I do know -- I do remember insisting 11:06:39
8 pretty sharply that he turn over things and that he 11:06:46
9 did cooperate to some extent. 11:06:50
10 Q Okay. He -- he -- you do remember that 11:06:52
11 Mr. Levandowski at least did cooperate to some 11:06:57
12 extent in turning over devices; is that fair? 11:07:01
13 A I don't know if "cooperate" is the right 11:07:05
14 word. He certainly gave us some devices to search. 11:07:05
15 Q Some of his devices? 11:07:08
16 A Yes. 11:07:09
17 Q Did you ever get the two laptop computers 11:07:13
18 that are referred to in your April 20, 2017 e-mail? 11:07:15
19 A I am not sure that we got them, but I 11:07:30
20 believe they were searched by another law firm. 11:07:32
21 Q Okay. Do you know what law firm that was? 11:07:37
22 A I don't. 11:07:44
23 Q Was it Mr. Levandowski's counsel? 11:07:45
24 A It could have been Miles and Izzy. It 11:07:50
25 could have been Neal. I don't know. 11:07:53

1 Q Okay. And how -- and why do you -- what's 11:07:55
2 the basis of you thinking that they were eventually 11:08:07
3 searched by somebody? 11:08:09
4 A Because this was megillah. Do you know 11:08:12
5 what a megillah is? It's Yiddish for long story. 11:08:19
6 This megillah went on for a long time, because I was 11:08:23
7 not going to let go of these two computers. 11:08:28
8 And I insisted that we get information off 11:08:31
9 of them, and they were insisting they weren't going 11:08:34
10 to give us the computers. 11:08:39
11 And so I believe that finally some kind of 11:08:40
12 a compromise was reached after a back and forth and 11:08:43
13 back and forth that some trusted third person would 11:08:46
14 review the document -- the computers. And if 11:08:52
15 anything responsive in this litigation was found on 11:08:54
16 them, that would be provided. 11:08:57
17 Q Okay. Do you know when -- when that 11:09:00
18 accommodation was eventually reached? 11:09:04
19 A It would have been after this e-mail went 11:09:09
20 out. I just don't know when. 11:09:11
21 Q Okay. And was that accommodation 11:09:13
22 memorialized in some way? 11:09:16
23 A I don't -- I doubt it. I don't remember. 11:09:21
24 Q Okay. If -- if -- how could I figure out 11:09:26
25 what -- who -- what would you think the best source 11:09:29

1 would be for me to figure out who actually did 11:09:31
2 the -- did look at those pursuant to this 11:09:34
3 accommodation? 11:09:38
4 A Miles, Izzy, Neal. 11:09:42
5 Q And do you know whether responsive 11:09:46
6 material was found? 11:09:48
7 A I believe -- I don't -- I don't know one 11:09:49
8 way or the other. I can't remember. It could have 11:09:51
9 been. It could not have been. I just don't recall 11:09:53
10 it. 11:09:56
11 Q Okay. And just to clear up the record -- 11:09:56
12 I -- I think it's already clear. But it -- it -- 11:09:57
13 Mr. Levandowski did provide at least some of his 11:10:01
14 devices to Uber in connection with its efforts to 11:10:05
15 provide responsive information in this litigation, 11:10:10
16 correct? 11:10:13
17 A He did. I just wish he would have 11:10:14
18 provided everything from the get-go and given full 11:10:17
19 bona fide cooperation, which he did not do. 11:10:21
20 Q In the second-to-last paragraph of the -- 11:11:48
21 your e-mail, it says that, Please understand that 11:11:53
22 your compliance with this request is crucial to 11:11:57
23 Uber's defense of the Waymo litigation and required 11:12:00
24 by our internal company policies. 11:12:04
25 Do you see that? 11:12:07

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1 MR. GONZALEZ: I think I'm going to 01:28:45
2 instruct you not to answer that question unless you 01:28:46
3 have nonprivileged information. 01:28:48
4 A Everything I have is privileged. 01:28:54
5 Q (BY MR. PERLSON) Did you agree with the 01:28:57
6 decision to terminate Mr. Levandowski? 01:28:58
7 MR. GONZALEZ: I'll instruct you not to 01:29:01
8 answer, unless you agree it's not a waiver. 01:29:01
9 MR. PERLSON: No. 01:29:04
10 MR. GONZALEZ: In that case, I'll instruct 01:29:06
11 her not to answer. 01:29:08
12 Q (BY MR. PERLSON) Do you know why Uber 01:29:13
13 didn't fire Mr. Levandowski earlier than May 26, 01:29:14
14 2017? 01:29:17
15 MR. GONZALEZ: I instruct you not to 01:29:19
16 answer that question, unless you have nonprivileged 01:29:20
17 information. 01:29:22
18 Q (BY MR. PERLSON) Was it -- was -- before 01:29:27
19 Mr. Levandowski was fired on May 26, 2017, did 01:29:34
20 Mr. Kalanick resist firing Anthony Levandowksi? 01:29:39
21 MR. GONZALEZ: I'm going to instruct you 01:29:42
22 not to answer. 01:29:43
23 Q (BY MR. PERLSON) Do you have any 01:30:01
24 nonprivileged information regarding whether Waymo 01:30:02
25 has -- whether -- let me start over again. 01:30:06